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4/27/09

PATENT
026268-JDM400US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

J.D. MOSCA

Application No.: 10/528,082

Filed: March 14, 2005

For: TUMOR-DERIVED BIOLOGICAL
ANTIGEN PRESENTING PARTICLES

Confirmation No. 5825

Examiner: BLANCHARD, D.J.

Technology Center/Art Unit: 1643

SECOND RESPONSE AND
AMENDMENT UNDER 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Second Reply to the 'final' Office Action mailed August 29, 2008, which set November 29, 2008 as the initial deadline for response. Petitions for a 3-month extension of time, until February 28, 2009, have been timely filed along with a Notice of Appeal on February 28, 2009.

This is also in response to the Advisory Action mailed February 23, 2009, which indicated that the previous Reply, filed January 29, 2009, "will be entered" for purposes of appeal. Accordingly, Applicant is of the understanding that the January 29, 2009 Reply has not yet been entered. So the claim revisions below are based upon the claims filed May 19, 2008.

Reconsideration in light of the following remarks and revisions is respectfully requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.